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Report of the Secretary-General pursuant to Security Council resolution 1559 (2004)

I. Introduction

1. The present report is submitted pursuant to resolution 1559 (2004) adopted on 2 September 2004 by the Security Council. In paragraph 7 of that resolution, the Council requested that I report within 30 days on the implementation by the parties of that resolution.

II. Background

2. From 1975 to 1990, Lebanon suffered a tragic and bloody civil war that resulted in the deaths of an estimated 120,000 people. Much of the fighting in that war was carried out by militias that corresponded to Lebanon's confessional communities. Various Palestinian militant groups also took part in the violence. Over the years, at various times, France, Italy, the Libyan Arab Jamahiriya, Yemen, Saudi Arabia, the Sudan, the Syrian Arab Republic, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America deployed forces in Lebanon at the request of its Government to bring the fighting to an end and to stabilize the situation. Israel carried out frequent military operations during this period, including shellings, air attacks, two large-scale incursions into Lebanon and an extended occupation of the southern part of the country.

3. The Security Council has been engaged in the issue since 1978 and has adopted 76 resolutions that called, inter alia, for an end to violence, the protection of civilians, respect for Lebanese sovereignty, the withdrawal of Israeli forces from Lebanese territory and the extension of Lebanese authority throughout the country's territory.

4. The Syrian Arab Republic first deployed troops in Lebanon in May 1976, at the request of Lebanese President Franjieh. In October 1976, the League of Arab States established the Arab Deterrent Force (ADF) to keep the peace in Lebanon. In the Force, the Syrian Arab Republic was joined by the Libyan Arab Jamahiriya, Yemen, Saudi Arabia, the Sudan, and the United Arab Emirates. Syrian forces constituted the majority of ADF troops, accounting at initial deployment for approximately 27,000 of its total strength of 30,000.

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5. After a Palestinian attack in northern Israel that had resulted in the deaths of over 30 civilians, Israel carried out a major military operation in southern Lebanon in March 1978. The Security Council adopted resolution 425 (1978), calling upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory. Also, in March 1978, pursuant to Council resolutions 425 (1978) and 426 (1978), the United Nations Interim Force in Lebanon (UNIFIL) was deployed with three purposes as set forth in resolution 425 (1978): (a) confirming the withdrawal of Israeli forces; (b) restoring international peace and security; and (c) assisting the Government of Lebanon in ensuring the return of its effective authority in the area. The UNIFIL mandate has been regularly renewed, most recently on 29 July 2004 through Security Council resolution 1553 (2004).

6. In June 1982, Israel launched an invasion of Lebanon, the trigger for which was an assassination attempt on the Israeli ambassador to the United Kingdom. The United States took the lead in achieving an agreement in August 1982 for the evacuation of Palestinian forces from Beirut and the deployment of a Multinational Force (MNF) to oversee the evacuation. France, Italy and the United States provided troops to the Multinational Force, and the evacuation was completed by September 1982. MNF forces withdrew from Lebanon later in September.

7. After the assassination of Lebanese president-elect Bashir Gemayel in mid-September 1982, followed by an Israeli incursion into west Beirut and the criminal massacre of Palestinians in the Sabra and Shatila refugee camps by Phalangist militias in late September, the Multinational Force returned to Lebanon. Forces from the United Kingdom joined the original three members of the Force. The Security Council adopted resolution 520 (1982) on 17 September 1982, in which it condemned the Israeli incursion into Beirut, demanded a return to the positions occupied by Israel before 15 September and called for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the deployment of the Lebanese Army throughout Lebanon. In May 1983, representatives of Israel, Lebanon and the United States reached an agreement intended to lead to the withdrawal of Israeli forces and the establishment of a "security region" in southern Lebanon. On 23 October 1983, 241 United States Marines and 56 French paratroopers were killed in twin suicide bombings. Against a backdrop of rising violence, the Government of Lebanon cancelled its agreement with Israel in March 1984. The Multinational Force withdrew in April of that year.

8. On 22 October 1989, as a result of efforts by the League of Arab States, members of the Lebanese Chamber of Deputies, meeting in Taif, Saudi Arabia, agreed to the Taif Agreement. The Agreement called for national reconciliation and for "spreading the sovereignty of the State of Lebanon over all Lebanese territory" through a one-year plan that included the "disbanding of all Lebanese and non-Lebanese militias". The militias' weapons were to "be delivered to the State of Lebanon within a period of six months". In the agreement, Lebanon thanked the Syrian Arab Republic for the assistance provided by its forces to enable the Lebanese Government to extend its authority throughout Lebanon "within a set period of no more than two years". At the end of that period, the two Governments were to decide on the redeployment of the Syrian forces in the region of the Bekaa as far as the line Hammana-Mdairej-Ain Dara and, in case of need, at other points to be determined by a joint Lebanese-Syrian military committee. The two

Governments were also to conclude an agreement to "determine the strength and duration of the presence of Syrian forces in those areas and to define these forces' relationship with the Lebanese State authorities where the forces are present". The Syria-Lebanon Treaty of Cooperation of May 1991 reiterated this provision.

9. Over the years, the Security Council maintained its commitment to Lebanon's territorial integrity, sovereignty and independence. The Secretariat worked to persuade Israel to withdraw from southern Lebanon. In April 2000, I received formal notification from the Government of Israel that it would withdraw its forces from Lebanon by July 2000. On 25 May 2000, the Government of Israel notified me that Israel had redeployed its forces in compliance with Council resolutions 425 (1978) and 426 (1978). On 16 June, I reported to the Council that Israel had withdrawn its forces in accordance with resolutions 425 (1978) and 426 (1978) and had met the requirements set out in my 22 May report (S/2000/460) to the Council. I informed the Council that Lebanon had started to re-establish its authority in the area and was considering deploying its armed forces in southern Lebanon. On 18 June, the Council welcomed my report and confirmed my conclusions.

III. Security Council resolution 1559 (2004)

10. On 2 September 2004, the Security Council adopted resolution 1559 (2004) which reiterated the Council's strong support for the territorial integrity, sovereignty and political independence of Lebanon. It called upon all parties concerned to cooperate fully and urgently with the Council for the full implementation of that and other relevant Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon. In addition, in its resolution 1559 (2004), the Council:

(a) Called upon all remaining foreign forces to withdraw from Lebanon;

(b) Called for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

(c) Supported the extension of the control of the Government of Lebanon over all Lebanese territory;

(d) Declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence.

The Council also reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

11. The Governments of Lebanon and the Syrian Arab Republic submitted to the President of the Security Council and to me letters (A/58/879-S/2004/699 and A/58/883-S/2004/706, respectively) regarding the resolution.

A. Foreign forces deployed in Lebanon

12. Security Council resolution 1559 (2004) calls for the withdrawal of all remaining foreign forces from Lebanon. Apart from the United Nations Interim

Force in Lebanon (UNIFIL), to the best of our ability to ascertain, the only significant foreign forces deployed in Lebanon, as of 30 September 2004, are Syrian.

13. As I have described, the Syrian Arab Republic has maintained forces in Lebanon since 1976. The troops were initially deployed at the request of Lebanese President Franjieh. That deployment was transformed into an Arab Deterrent Force sanctioned by the League of Arab States, at the request of the Government of Lebanon, and was joined by troops from other Arab countries. The Governments of both Lebanon and the Syrian Arab Republic have told me that the Syrian forces present in Lebanon — which at one point numbered 40,000, according to the Government of Lebanon — are there at the invitation of Lebanon and that their presence is therefore by mutual agreement. Specifically, they are said to be deployed pursuant to the Taif Agreement of 1989 and the Syria-Lebanon Treaty of Cooperation ratified by both countries in 1991. As far as I am aware, the two Governments have not, to date, concluded the further agreement "to determine the strength and duration of the presence of Syrian forces" that is provided for in both those instruments.

14. In addition to the uniformed armed forces the Syrian Arab Republic has deployed in Lebanon, the Syrian Government has informed the United Nations that there is also a substantial presence of non-uniformed military intelligence officials that, it says, are usual components of military units. These officials, together with the uniformed forces, constitute the full Syrian troop strength.

15. The Syrian military and intelligence apparatus in Lebanon had not been withdrawn as of 30 September 2004. However, according to announcements by the Lebanese and Syrian Governments, the Syrian Arab Republic has in recent weeks redeployed approximately 3,000 of its forces formerly deployed south of Beirut. It has not been made clear to the United Nations whether these redeployments are confined to regular troops or include non-uniformed military intelligence, and whether they have all returned to the Syrian Arab Republic. According to the parties, this is the fifth such redeployment since the signing of the Taif Agreement.

16. The Syrian Government has indicated to me that a total of about 14,000 Syrian troops remains in Lebanon. It says that a majority of these forces are now based near the Syrian border and that they are not deployed deep inside Lebanon. The Lebanese and Syrian Governments have told me that the timing of further withdrawals would be determined by the security situation in Lebanon and the region and through the joint military committee established pursuant to the Taif Agreement.

17. The Government of Lebanon has further informed me that the current fragile security situation in the region, and its concern regarding potential risks to Lebanon's domestic stability, render it difficult to establish a timetable for the full withdrawal of Syrian forces. The Government of Lebanon has stated to me that its ultimate goal is the complete withdrawal of all foreign forces from Lebanese territory. In addition, the two Governments have told me that they are actively discussing the nature and extent of the current deployment of Syrian forces in Lebanon. In this context, the Government of the Syrian Arab Republic has informed me that it cannot provide me with numbers and timetables for any future withdrawal.

B. Lebanese and non-Lebanese militias

18. Security Council resolution 1559 (2004) calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias. Since the end of the civil war, the Government of Lebanon has made great strides in significantly reducing the number of militias present in Lebanon. Nevertheless, as of 30 September 2004, several armed elements remain in the South. The Government of Lebanon has told me that it intends that all irregular armed groups should ultimately be disarmed and disbanded.

19. The most significant remaining armed group is Hezbollah. The Government of Lebanon objects to the characterization of Hezbollah as a Lebanese militia, and refers to it as a "national resistance group" that has as its goal the defence of Lebanon from Israel and the removal of Israeli forces from Lebanese soil, namely, the Shab'a farms. Lebanon maintains that the Shab'a farms are Lebanese territory, not Syrian. However, in my report of 16 June 2000 (S/2000/590), I had confirmed that Israel had fulfilled as of that date the requirements of Security Council resolutions 425 (1978) and 426 (1978) that it "withdraw forthwith its forces from all Lebanese territory". The Council endorsed this conclusion in the statement made on behalf of the Council by its President (S/PRST/2000/21), on 18 June 2000. Notwithstanding the Government of Lebanon's position that the Shab'a farms area lies within Lebanon, the Government has confirmed that it would respect the Blue Line as identified by the United Nations. The Council noted this in the statement by the President on 18 June 2000, and both in that statement and in subsequent resolutions, has called upon Lebanon to respect the commitment that it has made to respect fully that line.[1]

20. As of 30 September 2004, United Nations staff on the ground had not discerned any change in the status of Hezbollah since the adoption of resolution 1559 (2004). In this connection, the Government of Lebanon has informed me that the fragile security situation in the region, the risk to Lebanon's stability and the lack of a comprehensive regional peace process would make it difficult to implement the resolution immediately and fully.

21. Regarding Palestinian armed groups, the Government of Lebanon has given me assurances that Palestinian militants are not allowed to leave their refugee camps with weapons. United Nations personnel in the region have indicated that the Government of Lebanon has positioned the Lebanese armed forces outside the camps, apparently to enforce this policy. The Government has told me that the security situation in the camps makes it inadvisable for its forces to enter the camps to disarm the militants. The Government of Lebanon expresses particular concern regarding the presence of a large Palestinian refugee population on its territory and Lebanese public discussion regularly raises fears that this community might be settled permanently in Lebanon. The Government insists that a final Middle East settlement should contain provisions for the resettlement of these refugees.

C. Extension of Lebanese government control over all Lebanese territory

22. Security Council resolution 1559 (2004) declares Council support for the extension of the control of the Government of Lebanon over all Lebanese territory.

Since the end of the civil war, Lebanon has deployed some security forces in the southern part of the country, in accordance with relevant Council resolutions and the Taif Agreement. However, as of 30 September 2004, the Government of Lebanon had not extended its control over all of its territory.

23. Although Lebanon held peaceful municipal elections in the south in May 2004, the area around the Blue Line remains tense. The calm that followed the withdrawal has too often been shattered by violence. The Lebanese army has not deployed along the Blue Line. UNIFIL has reported that there have been violations from both sides of the Blue Line; on the Lebanese side, they have come from Hezbollah and Palestinian groups. Hezbollah operations have frequently violated the Blue Line. It is widely asserted that Hezbollah operations are carried out independently of Lebanese government control or sanction. I have previously urged the Government of Lebanon to exert control over the use of force on its entire territory and to prevent all attacks from its territory across the Blue Line.

24. More than four years after the Israeli withdrawal from the south of Lebanon, movement in the region remains restricted. Hezbollah has established checkpoints throughout southern Lebanon. Movements of Lebanese officials, UNIFIL personnel and diplomats are hindered at times by armed elements.

25. The Government of Lebanon has stated to me that it is constrained in its ability to deploy its forces in parts of southern Lebanon by the terms of the Israeli-Lebanese General Armistice Agreement of 23 March 1949, which set limits to the numbers and types of military forces the parties might deploy in the region of the boundary between the two countries. According to the Government, it has deployed in the region the full complement of 1,500 troops permitted to it by that Agreement.

D. Presidential election process

26. Resolution 1559 (2004) declares the Security Council's "support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence". Lebanese President Lahoud's term in office was to have expired in November 2004. According to the Lebanese Constitution, the Chamber of Deputies is required to meet at least a month before the expiration of the president's term to elect a successor. The Constitution allows for a single six-year term for the president, with a possibility of a return to office only after the passage of six years.

27. On 3 September 2004, less than 24 hours after resolution 1559 (2004) was adopted, the Chamber of Deputies approved Constitutional Law 585 by a vote of 96 to 29 with three members not present, thereby extending President Lahoud's term by three years. The law stated that "for a one and exceptional time, the mandate of the current President of the Republic will be renewed to three additional years that should end on 23 November 2007". The Government of Lebanon has informed me that this law was adopted in accordance with Lebanese constitutional rules. In 1947 and 1995, the Chamber of Deputies had voted to allow one-time extensions of the terms of sitting presidents. It was widely contended in Lebanon, and asserted by the co-sponsors of resolution 1559 (2004), that the extension of President Lahoud's term in office was the result of a direct intervention by the Government of the Syrian Arab Republic. Ten members of the Chamber of Deputies have tabled a motion in the Chamber to abrogate the law extending President Lahoud's term. Both

the Lebanese and Syrian Governments have denied Syrian influence on the extension.

E. Sovereignty, territorial integrity, unity and political independence of Lebanon

28. In resolution 1559 (2004), the Security Council reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

29. It is widely alleged in Lebanon that the Syrian military presence, including a substantial component of non-uniformed intelligence officials, affords the Syrian Arab Republic considerable leverage over Lebanese domestic affairs. The Governments of Lebanon and the Syrian Arab Republic have denied to me that the Syrian Arab Republic intervenes in Lebanon's internal affairs.

30. Despite the closeness of official ties between Lebanon and the Syrian Arab Republic, it has been noted that the countries have never had formal diplomatic relations. There is no Lebanese diplomatic mission in Damascus, nor is there a Syrian diplomatic mission in Beirut.

31. Since October 2000, Israeli aircraft have regularly violated Lebanese sovereignty by flying into Lebanese airspace, at times crossing the Blue Line. They frequently penetrate deep into Lebanese territory and generate sonic booms over populated areas. The Government of Israel claims that these overflights are carried out for security reasons. Hezbollah anti-aircraft fire has fallen across the Blue Line into Israel. Such fire has caused Israeli casualties.

32. I, and my representatives in the region, have called upon the parties to cease violations of the Blue Line in either direction and refrain from escalatory acts, which have caused casualties on both sides. As we have stated, one violation does not justify another.

IV. Observations

33. Security Council resolution 1559 (2004), pursuant to which this report has been drafted, lays specific requirements on various parties. As will be apparent from this report, I cannot certify that these requirements have been met. While their objections to the resolution are well known, the Governments of Lebanon and the Syrian Arab Republic have assured me of their respect for the Council, and that consequently they will not contest it. The parties have provided me with information and given me certain assurances that are set forth above. I note these assurances and await their fulfilment. I have requested from the parties a timetable for their full implementation.

34. As regards the electoral process, it has long been my strong belief — reiterated most recently at the African Union summit in July of this year — that Governments and leaders should not hold on to office beyond prescribed term limits.

35. Lebanese public opinion appears to be divided over such issues as the Syrian military presence in Lebanon, the constitutional situation as it relates to presidential

elections, and the continued existence of armed groups not under the direct control of the Government. However, many are of the view that full implementation of resolution 1559 (2004) would be in the interest not just of Lebanon, but of the Syrian Arab Republic, too, and of the region and the wider international community. It is time, 14 years after the end of hostilities and four years after the Israeli withdrawal from Lebanon, for all parties concerned to set aside the remaining vestiges of the past. The withdrawal of foreign forces and the disbandment and disarmament of militias would, with finality, end that sad chapter of Lebanese history.

36. As I noted above, the requirements imposed on the various parties as set out in Security Council resolution 1559 (2004) have not been met. In this connection, I remain ready to assist the parties, as needed, in the full implementation of Council resolution 1559 (2004), and, if required, to keep the Council regularly updated with any information in this regard.

37. I continue to look forward to the ultimate achievement of a just, lasting and comprehensive peace in the Middle East.

Notes

[1] Security Council resolution 425 (1978) called upon Israel to "withdraw forthwith its forces from all Lebanese territory" (para. 2).

In my 22 May 2000 report (S/2000/460), I had "set out what the United Nations required of Israel, Lebanon and the Syrian Arab Republic as well as the international community in order for resolutions 425 (1978) and 426 (1978) to be implemented fully" (quoted from para. 4 of the Secretary-General's report of 16 June 2000 (S/2000/590)). The Council endorsed these requirements in the statement by its President on 23 May 2000 (S/PRST/2000/18).

In my report of 16 June 2000 on the implementation of Council resolutions 425 (1978) and 426 (1978), I wrote to "inform the Council that Israel has met the requirements defined" in my earlier report of 22 May and "that Israeli forces have withdrawn from Lebanon in compliance with resolution 425 (1978)" (para. 1 of the report; also para. 40).

On 18 June 2000, the Security Council, through the Statement by its President, endorsed this conclusion:

> "The Security Council welcomes the report of the Secretary-General of 16 June 2000 (S/2000/590) and endorses the work done by the United Nations as mandated by the Security Council, including the Secretary-General's conclusion that as of 16 June 2000 Israel has withdrawn its forces from Lebanon in accordance with resolution 425 (1978) of 19 March 1978 and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460). In this regard, the Council notes that Israel and Lebanon have confirmed to the Secretary-General, as referred to in his report of 16 June 2000 (S/2000/590), that identifying the withdrawal line was solely the responsibility of the United Nations and that they will respect the line as identified."

The Security Council, in resolution 1310 (2000), adopted on 27 July 2000, recalled "in particular its endorsement of the work done by the United Nations as mandated by the Council including the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000". In para. 5 of the resolution, the Council called "upon the parties to respect that line" (referred to as the withdrawal line in para. 4 of the resolution).